

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SU MIN KIM and JI HUN KIM,

Plaintiffs,

vs.

AMERICAN HONDA MOTOR CO., INC.,

Defendant.

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Civil Action No. 4:19-CV-00332-ALM

**DEFENDANT AMERICAN HONDA MOTOR CO., INC.'S NOTICE OF APPEAL**

Defendant American Honda Motor Co., Inc. ("AHM") hereby serves notice of its intent to appeal to the United States Court of Appeals for the Fifth Circuit from the:

- (1) Final Judgment signed on June 28, 2022 [ECF No. 133]
- (2) Order signed on June 15, 2022 (on AHM's proposed jury instruction) [ECF No. 113];
- (3) Memorandum Opinion and Order signed on November 7, 2022 (denying AHM's post-judgment motions) [ECF No. 164];
- (4) Oral ruling denying AHM's motion for directed verdict on June 15, 2022;
- (5) Oral ruling denying AHM's renewed motion for directed verdict on June 16, 2022;
- (6) Oral rulings denying AHM's objections to the jury charge and refusing AHM's tenders on June 16, 2022;
- (7) Order signed on May 19, 2022 (denying AHM's motion to exclude plaintiffs' expert Neil Hannemann) [ECF No. 75];
- (8) Order signed on May 19, 2022 (denying AHM's motion to exclude plaintiffs' expert Mariusz Ziejewski) [ECF No. 74];

- (9) Oral ruling denying AHM's requested supplemental answer to jury note on June 17, 2022;
- (10) All evidentiary rulings during trial, including: (i) excluding AHM's evidence of industry custom; (ii) excluding AHM's evidence that the subject model vehicle had never been subject to a recall as to the airbags or restraint system; (iii) admitting plaintiffs' evidence of testing by General Motors; (iv) admitting plaintiffs' demonstrative videos and animations; and (v) admitting plaintiffs' testimony to interpret AHM's documents.
- (11) all rulings and orders subsidiary to or subsumed within the Final Judgment and the orders and rulings listed above.

*/s/ Kurt C. Kern*

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**ATTORNEYS FOR DEFENDANT**

**AMERICAN HONDA MOTOR CO., INC.**

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF filing system and service will be perfected upon any CM/ECF participants' counsel of record electronically.

/s/ Kurt C. Kern  
Kurt C. Kern